



Petitioner's Docket No. 51473

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gallagher et al.

Serial No.: 10/661,051

Group No.: 1765

Filed: September 13, 2003

Examiner: Kin Chan Chen

For: AIR GAP FORMATION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 1.191)**

NOTE: An appeal may be based on one rejection in a prior application and one rejection in a continuing application. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

NOTE: There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims. Notice of Oct. 10, 1997, 62 F.R. 53131, at 53167.

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed _____, finally rejecting claims _____.

The item(s) checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of

other than a small entity.

a small entity.

A statement:

is attached.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office.


Signature

Date: 2/28/2006

03/06/2006 DEMMANU1 0000078 181850 10661051

Deanna M. Rivernider

(type or print name of person certifying)

[] was already filed.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. 1.17(b), the fee for filing the Notice of Appeal is:

[]	small entity	\$250.00
[X]	other than a small entity	\$500.00

Notice of Appeal fee due \$ 500.00.

3. EXTENSION OF TERM

NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of § 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).

(complete (a) or (b), as applicable)

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

(a) [] Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
[]	one month	\$ 110.00	\$ 55.00
[]	two months	\$ 420.00	\$ 210.00
[]	three months	\$ 950.00	\$ 475.00
[]	four months	\$1,480.00	\$ 740.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

(a) [] An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____
or

(b) [X] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee \$ 500.00

Extension fee (if any) \$ _____

TOTAL FEE DUE \$ 500.00

5. FEE PAYMENT

Attached is a check in the sum of \$ _____

Charge Account No. 18-1850 the sum of \$ 18-1850.
A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

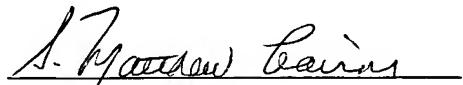
NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.

If any additional extension and/or fee is required, this is a request therefor and to charge
Account No. 18-1850.

AND/OR

If any additional fee for claims is required, charge Account No. 18-1850.

Respectfully submitted,


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Registration No. 42,378

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